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COMMONWEALTH OF MASSACHUSETTS

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FRANKLIN, SS

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
FEDERAL BUILDING
1550 MAIN STREET
SPRINGFIELD, MA. 01103-1422**

**U.S. DISTRICT COURT
DISTRICT OF MASS.**

11-25-03 10:56

JUAN CARLOS GOMEZ

VS.

**U.S. IMMIGRATION AND
NATURALIZATION SERVICE**

BACKGROUND (BRIEF HISTORY OF MEDICAL HEALF PROBLEM)

Two years ago I suffered a inguinal hernia in the right side carrying metal lockers inside the dorm at Carl Robinson Correctional Facility in the State of Connecticut. I was seen by two Doctors and a operation was ordered to repair the hernia. While I was waiting for the procedure, three months later I was seen by another Doctor and he canceled the operation. Now two years later my hernia is at a "CRITICAL" stage that now impairs me from living a routine life.

On 4-24-2003 I was putting pepper on my food I sneezed and the pain from my hernia was unbearable; The medication was no longer helpful. That day I demanded to be taken to the Hospital , instead Officer Troczynski who was working the Jail block at that time, hand-cuffed me and took me to see the head nurse, she told me she would call the Doctor so he can renew my medication. I told them I can't wait no more I need to go to the hospital. The nurse once again said that we need to call the Doctor. She did not look at the problem or give me anything for the pain...

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In stead I was escorted to the D.D.U. CELL, "the Hole" by Sgt. Hubbard and DS Sheperd for five days. And then confined to a regular cell for 30 days.

On May 29, 2003 I was taken to see Doctor Michael O'Garman. M.D./mts. Once again the doctor ordered the operation for my hernia, and once again the operation was canceled, Because INS never send the approval.

LEGAL GROUNDS RELIED UPON:

ESTELLE V. GAMBLE 429 U.S. 97S CT

GOMEZ PRO SE, Has just learned of this rights and Respectfully asks this Court to allow to file a, **EMERGENCY ORDER FOR PRELIMINARY INJUNCTION.**

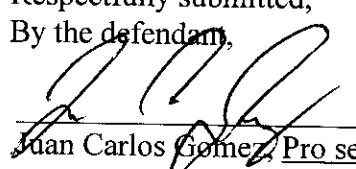
RELIEF REQUESTED:

A. Issue a declaration judgment stating that:

- 1) Issue an Injunction Ordering defendant INS to take petitioner Juan Carlos Gomez to the hospital for the operation of the inguinal hernia.
- 2) Issue an Injunction Ordering defendant INS to pay the petitioner the amount of \$6,000,000.00 (Six million Dollars) for the years of pain and suffering.

Based on the aforementioned reason, the plaintiff respectfully moves this court to allow motion for preliminary injunction.

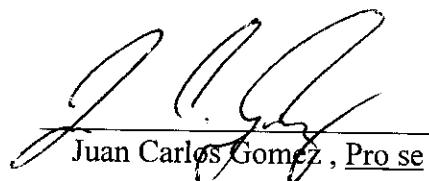
Respectfully submitted,
By the defendant,


Juan Carlos Gomez, Pro se
Franklin County Jail
160 Elm Street
Greenfield, MA 01301
8/22/2003

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CERTIFICATION

I hereby certify that a copy of the foregoing was mailed, postage prepaid first class to the U.S. IMMIGRATION AND NATURALIZATION SERVICE, KENNEDY FEDERAL BUILDING, GOVERNMENT CENTER, BOSTON, MA. 02203.



Juan Carlos Gomez, Pro se 8/22/2003